

1 HANSON BRIDGETT LLP
 KURT A. FRANKLIN, SBN 172715
 2 kfranklin@hansonbridgett.com
 LISA M. POOLEY, SBN 168737
 3 lpooley@hansonbridgett.com
 SAMANTHA WOLFF, SBN 240280
 4 swolff@hansonbridgett.com
 425 Market Street, 26th Floor
 5 San Francisco, California 94105
 Telephone: (415) 777-3200
 6 Facsimile: (415) 541-9366

7 HANSON BRIDGETT LLP
 TYSON M. SHOWER, SBN 190375
 8 tshower@hansonbridgett.com
 LANDON D. BAILEY, SBN 240236
 9 lbailey@hansonbridgett.com
 500 Capitol Mall, Suite 1500
 10 Sacramento, California 95814
 Telephone: (916) 442-3333
 11 Facsimile: (916) 442-2348

12 OTTEN LAW, PC
 VICTOR OTTEN, SBN 165800
 13 vic@ottenlawpc.com
 KAVITA TEKCHANDANI, SBN 234873
 14 kavita@ottenlawpc.com
 3620 Pacific Coast Highway, #100
 15 Torrance, California 90505
 Telephone: (310) 378-8533
 16 Facsimile: (310) 347-4225

17 Attorneys for Plaintiffs
 CORY SPENCER, DIANA MILENA
 18 REED, and COASTAL PROTECTION
 RANGERS, INC.
 19

20 **UNITED STATES DISTRICT COURT**
 21 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**
 22

23 CORY SPENCER, an individual;
 24 DIANA MILENA REED, an
 individual; and COASTAL
 25 PROTECTION RANGERS, INC., a
 26 California non-profit public benefit
 corporation,

27 Plaintiffs,
 28

CASE NO. 2:16-cv-02129-SJO (RAOx)

DECLARATION OF JOHN OLINGER

Judge: Hon. S. James Otero
 Date: August 21, 2017
 Time: 10:00 a.m.
 Crtrm.: 10C

1
2 v.

3 LUNADA BAY BOYS; THE
4 INDIVIDUAL MEMBERS OF THE
5 LUNADA BAY BOYS, including but
6 not limited to SANG LEE, BRANT
7 BLAKEMAN, ALAN JOHNSTON
8 AKA JALIAN JOHNSTON,
9 MICHAEL RAE PAPAYANS,
10 ANGELO FERRARA, FRANK
11 FERRARA, CHARLIE FERRARA,
and N. F.; CITY OF PALOS VERDES
ESTATES; CHIEF OF POLICE JEFF
KEPLEY, in his representative
capacity; and DOES 1-10,

12 Defendants.

Complaint Filed: March 29, 2016
Trial Date: November 7, 2017

13
14 I, John Olinger, declare as follows:

15 1. I am over the age of 18 and have personal knowledge of the matters
16 stated in this declaration and, if called as a witness, could and would testify
17 competently as to its contents.

18 2. I was raised in Ranch Palos Verdes and started surfing around the 5th
19 grade. I learned to surf primarily at the beaches in Torrance, California. Being from
20 Rancho Palos Verdes, I knew about different beaches and surfing locations on the
21 Palos Verdes Peninsula and how good they were. Lunada Bay, located in the nearby
22 City of Palos Verdes Estates, was said to be a great big wave spot, and I wanted to
23 surf there but given its reputation of localism in the City, along with the City's
24 reputation and support for keeping its prized beaches available for locals only, I
25 stayed away. On occasion, my friends and I would surf using a longboard in Bluff
26 Cove in Palos Verdes Estates. Notably, Bluff Cove is more of a beginners' beach in
27 terms of surfing, generally has smaller surf, and is the rare beach in Palos Verdes
28

1 Estates where it is not typically hostile for an outsider to visit.

2 3. I graduated from Rolling Hills High School in 1990 and received a BS
3 in Mechanical Engineering from Santa Clara University four years later.

4 4. In 1996, I moved to San Diego for work but would return to Rancho
5 Palos Verdes several times per year, usually on holidays, to visit my parents.
6 Having wanted to surf Lunada Bay for many years, I would occasionally drive and
7 look at the waves.

8 5. Two or three years ago, I came home to visit my family. It was in the
9 beginning of the winter surfing season, and I decided to go surfing. I got into my
10 car and started looking for the best spot to surf that day. There were not many
11 waves, so I checked several different surfing locations. During my surf check,
12 Lunada Bay had the best waves that day. Because there were only two guys in the
13 water, I decided to paddle out.

14 6. Having grown up on the Palos Verdes Peninsula in a city close to Palos
15 Verdes Estates, I knew about two claimed "local rules" when surfing the area: (a)
16 come alone; and (b) don't walk down the trail in your wetsuit. I went by myself.
17 And, I walked down the trail to the beach at Lunada Bay in my clothes and shoes,
18 with my wetsuit and towel draped over my surfboard. When I got to the bottom of
19 the trail, I started walking towards the point. I was approached by a man that
20 appeared to be in his late 40s. This man was aggressive, and immediately got in my
21 face and started telling me that I could not surf there and to "just go somewhere
22 else." He also said, "Well you are not going to catch any waves. I'm going to make
23 sure of that." There was another man on the patio, who was wearing a hat, who
24 was affirming and otherwise backing up the intimidation directed at me, although
25 he looked to be getting ready to leave. I did my best to ignore the aggressive man,
26 changed into my wetsuit, and paddled out to the surf Lunada Bay.

27 7. There was one other surfer in the water when I paddled out at Lunada
28 Bay. While the waves were barely shoulder high, it was better at Lunada Bay than

1 the other areas I'd driven by. The aggressive man that was harassing me on shore
2 put his wetsuit back on, and paddled out to continue to yell and intimidate me. He
3 did not even attempt to catch a wave, and just paddle around following me and
4 blocking me as I tried to surf. Finally, as the sun was setting, the aggressive man
5 paddled to shore while I was still in the water.

6 8. When I returned to shore, my shoes were stolen and belongings (towel
7 and dry clothes) drenched in sea water. In the dark, I had to walk wet across the
8 rocks and up the steep cliff barefoot; my feet were cut and sore by the time I made it
9 to the top of the trail. Because it was dark, I never saw who threw my stuff in the
10 water. And because the police have a longstanding reputation of being "friendly"
11 with and supporting the local surfers, and being indifferent to complaints by
12 outsiders regarding access to Lunada Bay and the related deterrent efforts by the
13 locals, I did not report what happened to me.

14 9. I learned of this action through the media and contacted the attorneys
15 representing Plaintiff Coastal Protection Rangers in this matter. I was provided
16 photographs, and a link to the Guardian video, and immediately recognized the
17 aggressive man that had hassled me on that day. His name is Sang Lee.

18 10. I attempted to follow the rules that day when Mr. Lee harassed me. I
19 arrived alone, was willing to wait longer for waves, let the locals have the best ones
20 and was respectful. Yet, the Lunada Bay Boys think that they own the public beach
21 and use intimidation and the excuse of "making it safe" to justify their behavior and
22 exclusivity. I was never given the chance to surf Lunada Bay which is why I
23 believe this lawsuit is necessary.

24 11. I want the City of Palos Verdes Estates to take measures to stop
25 localism at Lunada Bay and other surf spots in Palos Verdes Estates. I would like to
26 be able to surf at Lunada Bay without the fear of being harassed by the locals. I
27 should not be required to "take a cell phone" with me to the beach, nor should I be
28 required travel in a group or notify the police in advance when I want to visit

1 Lunada Bay or other City beaches.

2 I declare under penalty of perjury under the laws of the United States of
3 America that the foregoing is true and correct.

4 Executed in CARLSBAD, California on July 28, 2017.

5
6
7 
8 JOHN OLINGER